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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,617	03/15/2004	Shannon G. Parsons	1007.002	2616
36790	7590	09/06/2007		
TILLMAN WRIGHT, PLLC PO BOX 471581 CHARLOTTE, NC 28247			EXAMINER KING, ANITA M	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/708,617	PARSONS, SHANNON G.	
	Examiner	Art Unit	
	Anita M. King	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36,39,41-43,45,46 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36,39,41-43 and 46 is/are rejected.
- 7) ☒ Claim(s) 45 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/1/07</u> . | 6) <input type="checkbox"/> Other: _____ |

This is the fifth office action for application number 10/708,617, Display Adjustably Positionable about Swivel and Pivot Axes, filed on March 15, 2004.

Response to Amendment

The examiner respectfully withdraws the finality of the last Office action in view of further review of the prior art and consultation. The examiner apologizes for any inconvenience this may present.

The indicated allowability of claims 44 and 47 (now canceled) is withdrawn in view of the further consideration of previously applied references to Schluman et al., Howell et al., and Bosson. Rejections based on the cited reference(s) follow.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the term coplanar as cited in claims 36 and 39 is not found in the specification.

The disclosure is objected to because of the following informalities: reference number "40" is referring to two different elements, in paragraph 56, lines 11-12, it is designated as "two elongate side bars" and in paragraph 57, lines 1-2 it is designated as "a pair of parallel elongate members" and in paragraph 68, line 4, "50" is incorrect, "50" refers to the carriage not the track.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 36 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,950,086 to Schulman et al., hereinafter, Schulman in view of U.S. Patent 6,899,442 to Howell et al., hereinafter, Howell and in further view of U.S. Patent 6,863,252 to Bosson. Schulman discloses an arrangement for variably supporting a display, the arrangement comprising: an overhead track (11); a carriage (14) coupled to the overhead track such that the carriage can be variably positioned along the track; a first arm (17) coupled to and suspended from the carriage such that the first arm can be variably swiveled about a coupling to the carriage; a second arm (19) coupled to the first arm; and a display (21) coupled to the second arm.

Schulman discloses the claimed invention except for the limitations of a second arm being variably positioned in different inclinations to the first arm and such that the second arm can be variably swiveled relative to the first arm about a first swivel axis and subassembly having a swivel member, mounting member, and elongate member, and a pair or parallel elongate members joined to form a four-bar linkage parallelogram. Howell teaches an arrangement for variably supporting a display, the arrangement comprising: a first arm (50) mounted to the support (11) by a coupling (12) such that the first arm can be variably swiveled about the coupling to the support; a second arm (66) coupled to the first arm such that the second arm can be variably positioned in different inclinations to the first arm and such that the second arm can be variably swiveled

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relative to the first arm about a first swivel axis (64); a display (42) coupled to the second arm by a subassembly (67), the subassembly comprising a swivel member (74), a mounting member (78 & 86) affixed to a housing of the display, and an elongate member (70 & 76) extending between and connecting together the swivel member and the mounting member; wherein the swivel member is coupled to the second arm such that the mounting member can be variably swiveled relative to the second arm about a second swivel axis (136), the second swivel axis generally extending in parallel relation to the first swivel axis, and the elongate member is mounted to the swivel member and is mounted to the mounting member for movement about a pivot axis (140); the swivel axis extend through a portion of the elongate member (@70, attachment end to swivel 74); wherein the second arm comprises a pair of parallel elongate members (224 & 226, Fig. 14) joined to form a four-bar linkage parallelogram (Col. 9, line 40ff) such that the first swivel axis and the second swivel axis remain in parallel relation during movement of the second arm between positions having varying inclinations to the first arm; and wherein the second swivel axis extends through the display. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the first and second arm arrangement in Schulman to have included the arm arrangement as taught by Howell for the purpose of providing more degrees of adjustability of the assembly in regards to the supporting structure and the display suspended therefrom.

Schulman combined with Howell disclose the claimed invention except for the limitations of the elongate member being mounted to the swivel member for movement

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about a first pivot axis and the second swivel axis extending through the elongate member. Bosson teaches an arrangement (Fig. 1) for variably supporting a display (1), the arrangement comprising a first arm (3), a second arm (2B1 & 2B2) coupled to the first arm, a swivel member (2C), a mounting member (98) affixed to the housing of the display, and an elongate member (2A) extending between and connecting the swivel member to the mounting member, wherein the swivel member is coupled to the second arm such that the mounting member can be variably swiveled relative to the second arm about a swivel axis and the elongate member is mounted to the swivel member for movement about a first pivot axis (@6) and is mounted to the mounting member for movement about a second pivot axis (@5), and wherein the first pivot axis is coplanar with the second swivel axis (see Fig. 1). The axes are coplanar meaning they are within the same vertical plane as viewed from the page and note, the applicant does not specify the criteria for the term coplanar in the specification so the term is given its broadest interpretation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the subassembly in Schulman combined with Howell to have included the elongate member and mounting member as taught by Bosson for the purpose of increasing the degrees of freedom for adjusting the display relative to the arms to achieve a position desired by the user.

Claims 39 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulman in view of Bosson. Howell discloses an arrangement for variably supporting a display, the arrangement comprising: a first arm (50) mounted to the support (11) by a coupling (12) such that the first arm can be variably swiveled about

the coupling to the support; a second arm (66) coupled to the first arm such that the second arm can be variably positioned in different inclinations to the first arm and such that the second arm can be variably swiveled relative to the first arm about a first swivel axis (64); a display (42) coupled to the second arm by a subassembly (67), the subassembly comprising a swivel member (74), a mounting member (78 & 86) affixed to a housing of the display, and an elongate member (70 & 76) extending between and connecting together the swivel member and the mounting member; wherein the swivel member is coupled to the second arm such that the mounting member can be variably swiveled relative to the second arm about a second swivel axis (136), the second swivel axis generally extending in parallel relation to the first swivel axis, and the elongate member is mounted to the swivel member and is mounted to the mounting member for movement about a pivot axis (140); the swivel axis extend through a portion of the elongate member (@70, attachment end to swivel 74); wherein the second arm comprises a pair of parallel elongate members 224 & 226, Fig. 14) joined to form a four-bar linkage parallelogram (Col. 9, line 40ff) such that the first swivel axis and the second swivel axis remain in parallel relation during movement of the second arm between positions having varying inclinations to the first arm; wherein the first arm is mounted to a wall (14); wherein the first arm is mounted to a ceiling (14); and wherein the second swivel axis extends through the display.

Howell disclose the claimed invention except for the limitations of the elongate member being mounted to the swivel member for movement about a first pivot axis and the second swivel axis extending through the elongate member. Bosson teaches an

arrangement (Fig. 1) for variably supporting a display (1), the arrangement comprising a first arm (3), a second arm (2B1 & 2B2) coupled to the first arm, a swivel member (2C), a mounting member (98) affixed to the housing of the display, and an elongate member (2A) extending between and connecting the swivel member to the mounting member, and wherein the swivel member is coupled to the second arm such that the mounting member can be variably swiveled relative to the second arm about a swivel axis and the elongate member is mounted to the swivel member for movement about a first pivot axis (@6) and is mounted to the mounting member for movement about a second pivot axis (@5), and wherein the first pivot axis is coplanar with the second swivel axis (see Fig. 1). The axes are coplanar meaning they are within the same vertical plane as viewed from the page and note, the applicant does not specify the criteria for the term coplanar in the specification so the term is given its broadest interpretation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the subassembly in Howell to have included the elongate member and mounting member as taught by Bosson for the purpose of increasing the degrees of freedom for adjusting the display relative to the arms to achieve a position desired by the user.

Allowable Subject Matter


Claims 45 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anita M. King
Primary Examiner
Art Unit 3632

August 29, 2007